

MESSAGE NO: 8347204 MESSAGE DATE: 12/12/2008

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 8280201  
MESSAGE #  
(s):

CASE #(s): A-412-201

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2006 TO 04/30/2007

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR BALL BEARINGS AND PARTS THEREOF FROM  
THE UNITED KINGDOM PRODUCED AND/OR EXPORTED BY SOCIETE NEXANS (A-412-201)

MESSAGE NO: 8347204

DATE: 12 12 2008

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 8280201

REFERENCE DATE: 10 06 2008

CASES: A - 412 - 201

- -

- -

- -

- -

- -

PERIOD COVERED: 05 01 2006 TO 04 30 2007

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS  
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR BALL BEARINGS AND PARTS  
THEREOF FROM THE UNITED KINGDOM PRODUCED AND/OR  
EXPORTED BY SOCIETE NEXANS (A-412-201)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION  
CONTAINED IN THIS E-MAIL MESSAGE.

1. ON FEBRUARY 15, 2008, THE U.S. COURT OF INTERNATIONAL TRADE  
ISSUED A PRELIMINARY INJUNCTION ENJOINING LIQUIDATION IN  
CONNECTION WITH COURT CASE 06-00334 WHICH IS STILL IN EFFECT  
FOR ENTRIES OF BALL BEARINGS AND PARTS THEREOF WHICH WERE  
PRODUCED AND/OR EXPORTED BY THE BARDEN CORPORATION (U.K.) LTD.

AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING

THE PERIOD 05/01/2006 THROUGH 04/30/2007. U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL THE DEPARTMENT OF COMMERCE (COMMERCE) INSTRUCTS OTHERWISE. SEE MESSAGE 8280201 (10/06/2008).

2. ON DECEMBER 10, 2007, THE U.S. COURT OF INTERNATIONAL TRADE ISSUED AN AMENDED PRELIMINARY INJUNCTION ENJOINING LIQUIDATION IN CONNECTION WITH COURT CASE 06-00334 WHICH IS STILL IN EFFECT FOR ENTRIES OF BALL BEARINGS AND PARTS THEREOF WHICH WERE EXPORTED BY NSK CORPORATION, NSK LTD., AND NSK EUROPE LTD. (COLLECTIVELY, NSK) AND AFFILIATED COMPANIES AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007. CBP SHOULD CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL COMMERCE INSTRUCTS OTHERWISE. SEE MESSAGE 8115205 (04/24/2008).

3. FOR ALL SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM THE UNITED KINGDOM PRODUCED AND/OR EXPORTED BY SOCIETE NEXANS AND ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007, ASSESS AN ANTIDUMPING LIABILITY OF 58.20 PERCENT OF THE ENTERED VALUE UNLESS ENTRIES ARE COVERED BY THE INJUNCTIONS DESCRIBED IN PARAGRAPHS 1 AND 2. SOCIETE NEXANS DID NOT HAVE ITS OWN CASE NUMBER DURING THIS PERIOD. ENTRIES MAY HAVE BEEN MADE UNDER A-412-201-000 OR OTHER COMPANY-SPECIFIC CASE NUMBERS.

4. NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE DURING THE PERIOD 05/01/2006 THROUGH 04/30/2007 COVERED BY PARAGRAPH 3 OCCURRED WITH THE PUBLICATION OF THE FINAL RESULTS OF ADMINISTRATIVE REVIEW (73 FR 52823, 09/11/2008). FOR ALL OTHER SHIPMENTS OF BALL BEARINGS AND PARTS THEREOF FROM THE UNITED KINGDOM YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER WHICH IS MAY 15, 1989. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. WITH THE EXCEPTION OF ENTRIES WHICH WERE PRODUCED AND/OR EXPORTED BY THE BARDEN CORPORATION (U.K.) LTD. (A-412-201-001) OR EXPORTED BY NSK (A-412-201-010) WHICH ARE SUBJECT TO THE INJUNCTIONS DISCUSSED IN PARAGRAPHS 1 AND 2, THERE ARE NO INJUNCTIONS APPLICABLE TO THE ENTRIES COVERED BY THESE INSTRUCTIONS.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD

OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE  
ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984  
OR (202) 482-3577 RESPECTIVELY (GENERATED BY O5:CC).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION  
CONTAINED IN THIS E-MAIL MESSAGE.

DAVID M. GENOVESE

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party